

Changes to legislation: Sea Fisheries (Shellfish) Act 1967 is up to date with all changes known to be in force on or before 15 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 1

Section 1.

PROVISIONS WITH RESPECT TO MAKING OF ORDERS UNDER SECTION 1

- 1 Where an application for an order under section 1 of this Act is made to the appropriate Minister, that Minister may either refuse the application or prepare a draft order and serve a copy of it on the applicants.
- 2 Where a draft order is prepared and a copy thereof served on the applicants under paragraph 1 above, the applicants shall cause printed copies of the draft order to be published and circulated in such manner as the appropriate Minister thinks sufficient and proper for giving information to all parties interested, and shall give notice of the application, in such manner as that Minister directs or approves, to the owners or reputed owners, lessees or reputed lessees, and occupiers, if any, of the portion of the sea shore to which the proposed order relates and of the lands adjoining thereto.
- 3 During the period of one month after the first publication of the draft order under paragraph 2 above, the appropriate Minister shall receive any objections or representations made to him in writing respecting the proposed order.
- 4 ^{F1}(1)
(2)

Textual Amendments

- F1** Sch. 1 para. 4(1) repealed (E.W.) (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 214(2)(a), 324(3), **Sch. 22 Pt. 5A** (with s. 214(5)); S.I. 2009/3345, art. 2, Sch. paras. 9, 27(b) and said amendment extended to S. (24.2.2011) by Marine (Scotland) Act 2010 (asp 5), ss. 161(1)(4), 168(1) (with s. 162); S.S.I. 2011/58, art. 2(a) (with art. 4)
- F2** Words in Sch. 1 para. 4(2) substituted (E.W.) (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 214(2)(b), 324(3) (with s. 214(5)); S.I. 2009/3345, art. 2, Sch. para. 9
- F3** Words in Sch. 1 para. 4(2) substituted (S.) (24.2.2011) by Marine (Scotland) Act 2010 (asp 5), ss. 161(5), 168(1) (with s. 162); S.S.I. 2011/58, art. 2(a)
- F4** Words in Sch. 1 para. 4(2) substituted (S.) (16.9.2013) by Aquaculture and Fisheries (Scotland) Act 2013 (asp 7), ss. 58(1)(a), 66(2) (with ss. 58(2), 65); S.S.I. 2013/249, art. 2
- F5** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G
- F6** Words substituted by Sea Fisheries Act 1968 (c. 77), s. 15(7)

^{F7}5

Textual Amendments

- F7** Sch. 1 para. 5 repealed (E.W.) (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 214(3), 324(3), **Sch. 22 Pts. 5(A)** (with s. 214(5)); S.I. 2009/3345, art. 2, Sch. para. 9 Sch. para. 27(b) and said

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amendment extended to S. (24.2.2011) by Marine (Scotland) Act 2010 (asp 5), ss. 161(1)(4), 168(1) (with s. 162); S.S.I. 2011/58, art. 2(a) (with art. 4)

6 ^{F8}(1) As soon as ^{F9}conveniently may be^{F9}reasonably practicable]] after the expiration of the period of one month referred to in paragraph 3 above or^{F10}, in a case where an inspector has been appointed under paragraph 4 above,] after the receipt by the appropriate Minister of any report of the inspector under paragraph 4(7) above, that Minister shall, after considering the objections or representations, if any, that have been made with respect to the proposed order and any such report, either refuse the application or settle and make an order in such form and containing such provisions as he thinks expedient.

^{F11}(2) Where the proposed order relates to any portion of the sea shore belonging to Her Majesty in right of the Crown, the appropriate Minister shall also have regard to the powers and duties of the Crown Estate Commissioners under the Crown Estate Act 1961 ^{F12}or, if the portion of the sea shore is part of the property, rights and interests to which section 90B(5) of the Scotland Act 1998 applies, the powers and duties of the person who has the management of that portion] .]

Textual Amendments

- F8** Sch. 1 para. 6(1): Sch. 1 para. 6 renumbered as Sch. 1 para. 6(1) (12.1.2010 for E.W. and 24.2.2011 for S.) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 202(4)(a)**, 324(3); S.I. 2009/3345, art. 2, [Sch. para. 9](#); Marine (Scotland) Act 2010 asp 5, ss. 160(3)(a), 168(1) (with s. 162); S.S.I. 2011/58, art. 2(a) (with art. 4)
- F9** Words in Sch. 1 para. 6(1) substituted (S.) (16.9.2013) by [Aquaculture and Fisheries \(Scotland\) Act 2013 \(asp 7\)](#), **ss. 58(1)(b)**, 66(2) (with ss. 58(2), 65); S.S.I. 2013/249, art. 2
- F10** Words in Sch. 1 para. 6 inserted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 214(4)**, 324(3) (with s. 214(5)); S.I. 2009/3345, art. 2, [Sch. para. 9](#) and said amendment extended to S. (24.2.2011) by Marine (Scotland) Act 2010 (asp 5), ss. 161(1)(4), 168(1) (with s. 162); S.S.I. 2011/58, art. 2(a) (with art. 4)
- F11** Sch. 1 para. 6(2) inserted (12.11.2009 for E.W. for specified purposes and 24.2.2011 for S.) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 202(4)(b)**, 324(1)(c), 324(1)(d); Marine (Scotland) Act 2010 asp 5, ss. 160(3)(a), 168(1) (with s. 162); S.S.I. 2011/58, art. 2(a) (with art. 4)
- F12** Words in [Sch. 1 para. 6\(2\)](#) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), art. 1(2), **Sch. 5 para. 13**

7 Where the appropriate Minister makes an order under section 1 of this Act, the applicants for the order shall cause notice of the making of the order to be published in such manner as that Minister thinks sufficient for giving information to all parties interested and shall give notice of the making of the order, in such manner as that Minister directs or approves, to the owners or reputed owners, lessees or reputed lessees, and occupiers, if any, of the portion of the sea shore to which the order relates and of the lands adjoining thereto.

8 All expenses incurred by the appropriate Minister in relation to any application for an order under section 1 of this Act or to any order made in consequence thereof shall be defrayed by the applicants; and the appropriate Minister shall, if he thinks fit, on or at any time after the making of the application, require the applicants to pay to him such sum as he thinks requisite for or on account of those expenses, or to give security to his satisfaction for the payment of those expenses on demand.

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^{F13}SCHEDULE 2

Section 24.

CONSEQUENTIAL AMENDMENTS

Textual Amendments

F13 Sch. 2 entry repealed (1.4.2010 for W., 1.4.2011 for E.) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), [Sch. 22 Pt. 4](#); [S.I. 2010/630](#), art. 3(b) (with arts. 812); [S.I. 2011/556](#), art. 2(2)(o) (with art. 2(3))

Modifications etc. (not altering text)

C1 The text of S. 24(1)(2), Schs. 2 and 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force, and, except as specified, does not reflect any repeals or amendments which may have been made prior to 1.2.1991

^{F14}THE ^{M1} SEA FISHERIES (CLAM AND BAIT BEDS) ACT 1881

Textual Amendments

F14 Entries repealed (S.) by the [Inshore Fishing \(Scotland\) Act 1984 \(c. 26, SIF 52:1\)](#), s. 10(2), [Sch. 2](#)

Marginal Citations

M1 1881 c. 11.

In section 4 for the words from “sections” where first occurring, to the end of the first paragraph there shall be substituted the words “the following provisions of the Sea Fisheries (Shellfish) Act 1967, that is to say, section 1(2), so far as it relates to Schedule 1, section 1(4) and (5), sections 6, 8 and 10 and Schedule 1, shall apply as if those provisions were re-enacted in this Act with the necessary modifications”.

In section 6 for the words “Part III of the Sea Fisheries Act 1868” there shall be substituted the words “section 1 of the Sea Fisheries (Shellfish) Act 1967”.

In section 8 for the words “under the Sea Fisheries Act 1868, and any Act amending the same” there shall be substituted the words “for an offence under section 7(4) of the Sea Fisheries (Shellfish) Act 1967”.

^{F15}THE ^{M2} SEA FISHERIES REGULATION (SCOTLAND) ACT 1895

Textual Amendments

F15 Entries repealed (S.) by the [Inshore Fishing \(Scotland\) Act 1984 \(c. 26, SIF 52:1\)](#), s. 10(2), [Sch. 2](#)

Marginal Citations

M2 1895 c. 42.

In section 8(1)(b) for the words “section four of the Fisheries (Oyster, Crab and Lobster) Act 1877” there shall be substituted the words “section 16(2) of the Sea Fisheries (Shellfish) Act 1967”.

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In section 8(1)(c) for the words “the proviso to section eight of the Fisheries (Oyster, Crab and Lobster) Act 1877” there shall be substituted the words “section 17(2) of the said Act” and the words “or under a certain size” shall be omitted.

THE ^{M3} SEA FISHERIES REGULATION ACT 1966

Marginal Citations

M3 1966 c. 38.

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... **F16**
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Textual Amendments

F16 Entries repealed by [Sea Fisheries Act 1968 \(c. 77\)](#), **Sch. 2 Pt. II**

SCHEDULE 3

Section 24

ENACTMENTS REPEALED

Modifications etc. (not altering text)

C2 The text of S. 24(1)(2), Schs. 2 and 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force, and, except as specified, does not reflect any repeals or amendments which may have been made prior to 1.2.1991

Chapter	Short Title	Extent of Repeal
31 & 32 Vict. c. 45.	The Sea Fisheries Act 1868.	Part III. Sections 58 and 68.
32 & 33 Vict. c. 31.	The Oyster and Mussel Fisheries Orders Confirmation Act 1869 (No. 2).	Sections 2 and 3.
38 & 39 Vict. c. 15.	The Sea Fisheries Act 1875.	The whole Act.
40 & 41 Vict. c. 42.	The Fisheries (Oyster, Crab and Lobster) Act 1877.	The whole Act.
47 & 48 Vict. c. 27.	The Sea Fisheries Act 1884.	The whole Act.
48 & 49 Vict. c. 70.	The Sea Fisheries (Scotland) Amendment Act 1885.	In section 3, the words “the Sea Fisheries Act, 1875, and”.

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		In section 11, paragraphs (a) and (b).
58 & 59 Vict. c. 42.	The Sea Fisheries Regulation (Scotland) Act 1895.	Sections 11 to 17.
3 Edw. 7. c. 31.	The Board of Agriculture and Fisheries Act 1903.	In the Schedule, Part 4.
23 & 24 Geo. 5. c. 45.	The Sea-Fishing Industry Act 1933.	In section 4 (as substituted by section 38 of the Sea Fish Industry Act 1938), subsection (2).
1 & 2 Geo. 6. c. 30.	The Sea Fish Industry Act 1938.	Section 58.
		In section 59, the words from the beginning to “1868”.
		Section 61(2).
10 & 11 Eliz. 2. c. 31.	The Sea Fish Industry Act 1962.	Sections 19 to 26.
		In section 32(1)(a), the words from “section nineteen” to “twenty-six” and section 32(2)(a), except in so far as it relates to receipts in pursuance of an order made in accordance with section 11(5) of that Act.
		In section 33(1), the definitions of “land”, “mussel”, “oyster” and “shellfish bed”.
		In section 34(2), the words from “and”, where first occurring, to “twenty”, and section 34(3) so far as it relates to orders under Part III of the Sea Fisheries Act 1868.
		In section 35(5), the words “nineteen to”.
		In Schedule 2, paragraphs 1 to 4.

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Changes and effects yet to be applied to :

- s. 14(2) words repealed by [2003 c. 44 Sch. 37 Pt. 9](#)